



W.P.(MD) No.4456 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P.(MD) No.4456 of 2023

M.Lakshmanan

... Petitioner

-VS-

1.The District Collector,
Tenkasi District
Tenkasi.

2.The Tahsildar,
V.K.Pudur Taluk
Tenkasi District.

3.The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department
Tenkasi District

4.Subramaniyan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a
Writ of Mandamus to direct the 1st respondent to conduct the enquiry and remove



W.P.(MD) No.4456 of 2023

the encroachment made by the 4th respondent on the basis of the petitioner's representation dated 20.01.2023.

For Petitioner : Mr.A.B.Jeeva
For Respondents : Mr.P.T.Thiraviyam for R1 to R3
Government Advocate

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

The petitioner has filed this writ petition for issuance of a writ of mandamus to direct the District Collector, Tenkasi to conduct enquiry and remove the encroachment made by the 4th respondent on the basis of the petitioner's representation dated 20.01.2023.

2. We are unable to accede to the prayer made by the petitioner for the simple reason that the petitioner belongs to Adi Dravidar Community and therefore, the State Government has given free house site patta vide No.Th.Va.Aa.Na.Ka.a.No.761/96 under the Scheme of Tamil Nadu Housing and Other Schemes for Adi Dravidar and Tribal people in S.No.81/7 to an extent of 3



W.P.(MD) No.4456 of 2023

WEB COPY cents situated at North Kavalakurichi, Rukmaniammalpuram, V.K.Pudur Taluk, Tenkasi District.

3. Learned counsel for the petitioner would submit that taking advantage of the petitioner's absence, the 4th respondent has entered the land and encroached and therefore, the petitioner preferred a representation dated 19.01.2023 and the wife of the petitioner has also preferred a complaint against the 4th respondent before the Uthumalai Police Station and since no action is forthcoming, the petitioner has filed this writ petition.

4. Learned Government Advocate appearing on behalf of the respondents 1 to 3 would submit that the dispute between the petitioner and the 4th respondent is purely a private dispute and hence, the relief as sought for by the petitioner is unsustainable, which is neither maintainable in law nor on facts.

5. It is seen that the land is assigned in favour of the petitioner, which has been encroached by the fourth respondent taking advantage of the petitioner's absence and hence, it is for the petitioner to work out his remedy in the manner



W.P.(MD) No.4456 of 2023

known to law.

With this observation, the writ petition is dismissed. No costs.

[T.R., A.C.J.] [D.K.K, J.]
02.03.2023

NCC : Yes / No
Index : Yes / No
RR

To

1.The District Collector,
Tenkasi District
Tenkasi.

2.The Tahsildar,
V.K.Pudur Taluk
Tenkasi District.

3.The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department
Tenkasi District



WEB COPY



W.P.(MD) No.4456 of 2023

THE HON'BLE THE ACTING CHIEF JUSTICE
and
D.KRISHNAKUMAR, J.

RR

W.P.(MD)No.4456 of 2023

02.03.2023